

ARTICLE A36.14 - COMMERCIAL ZONES

A36.14.010 - Purpose

This Article provides regulations applicable to development and new land uses in the commercial Zoning Districts established by Section A36.10.010 (Zoning Districts Established). The purposes of the individual commercial Zoning Districts are as follows:

- A. **CN (Commercial-Neighborhood) District.** The CN Zoning District provides convenient shopping for surrounding residential neighborhoods, including retail and service uses that members of the public can obtain from the business (e.g., grocery stores, cleaners, restaurants, beauty salons, tax preparation and similar and related compatible uses). The CN Zoning District is not intended for uses that may attract traffic from outside the local area. The CN Zoning District is consistent with the Neighborhood Commercial land use designation of the General Plan.
- B. **CS (Commercial-Service) District.** The CS Zoning District allows service commercial and industrial uses that serve local residents and businesses. These uses include automotive repair, retail and wholesale businesses, carpentry shops, veterinary clinics, and similar and related compatible uses. The CS Zoning District is consistent with the General Commercial land use designation of the General Plan.
- C. **CO (Commercial-Office) District.** The CO Zoning District permits general business offices, medical, professional, real estate, financial, and other offices, and similar and related compatible uses. The CO Zoning District is consistent with the Office land use designation of the General Plan.
- D. **CRA (Commercial/Residential-Arterial) District.** The CRA Zoning District permits a broad range of commercial, office, and residential uses located along the City's major arterials. Businesses in this district are intended to serve the local population as well as providing goods to visitors from outside the City. This Zoning District is intended for hotels and motels, retail stores, restaurants, offices, housing, similar and related compatible uses. The CRA Zoning District is consistent with the Linear Commercial/Residential land use designation of the General Plan.

A36.14.020 - Commercial Zone Land Use Permit Requirements

The uses of land allowed by this Chapter in each commercial Zoning District are identified in the following tables as being:

- A. Permitted subject to compliance with all applicable provisions of this Chapter including Development Review, and subject to first obtaining any building permit or other permit required by the City Code ("P" uses on the tables). Per Section A36.52.020(B3), Development Review approval is required for changes from one permitted use to another, including changes in property or building use that involve exterior modifications or change the development's required parking.
- B. Allowed subject to approval of a Conditional Use Permit ("CUP") (Section A36.60); and
- C. Allowed subject to approval of a Temporary Use Permit ("TUP") (Section A36.54).

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- D. Land uses listed, as specifically defined in this Chapter, and on the tables in a particular Zoning District(s) shall only be allowed in the specific Zoning District(s) in which it is listed. Such uses can only be allowed in other Zoning District(s) upon approval of a text amendment as provided by Section A36.74 (Zoning Amendment). These uses can not be named as similar uses as determined by the Zoning Administrator through the conditional use permit process or section A36.90.020 (Procedures for Interpretation).
- E. Land uses that are not listed on the tables are not allowed, except where otherwise provided by Section A36.10.030(B) (Determination of Allowable Land Uses), or (D) (Exemptions from Zoning Permit Requirements).

Note: Where the last column on the following tables ("See Section") includes a section number, there are specific regulations in the referenced section that apply to the use; however, provisions in other sections may apply as well.

COMMERCIAL ZONES AND PERMIT REQUIREMENTS

Note: Changes from one permitted use to another require Development Review approval

LAND USE	PERMIT REQUIREMENT BY ZONE
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MANUFACTURING & PROCESSING	CN	CS	CO	CRA	SEE SECTION
Food products		P			
Furniture and fixtures		P			
Laundry and Dry Cleaning Plants		P			
Printing and publishing		P			
Recycling - reverse vending machines	P	P	P	P	A36.42.130
Recycling - small collection facility	P	P	P	P	A36.42.130
Wholesaling and distribution		P			

RECREATION, EDUCATION, PUBLIC ASSEMBLY	CN	CS	CO	CRA	SEE SECTION
Adult entertainment establishments				CUP	A36.42.030
Child day care facilities	CUP	CUP	CUP	CUP	A36.42.050
Churches	CUP		CUP	P	
Community centers	CUP		CUP	CUP	
Indoor recreation and fitness centers	CUP	CUP		P	
Libraries and museums	CUP		CUP	CUP	
Membership organization facilities and meeting halls			CUP	CUP	
Outdoor commercial recreation				CUP	
Pool and billiard rooms				CUP	
Public Schools	CUP	CUP	CUP	CUP	
Private Schools	CUP		CUP	CUP	
Schools - specialized education and training	CUP	CUP	CUP	CUP	
Studios for dance, art, music, photography, martial arts etc.	CUP	CUP	CUP	P	
Theaters				CUP	

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COMMERCIAL ZONES AND PERMIT REQUIREMENTS (Continued)

Note: Changes from one permitted use to another require Development Review approval

LAND USE	PERMIT REQUIREMENT BY ZONE				
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RESIDENTIAL	CN	CS	CO	CRA	SEE SECTION
Home occupations				P	A36.42.100
Multi-family housing, townhouses or mixed-use commercial/housing				CUP	A36.14.030(E2)
Residential accessory use structures				P	A36.12.040(G)
Efficiency Studios				CUP	A36.42.080

RETAIL TRADE	CN	CS	CO	CRA	SEE SECTION
Accessory retail uses	P	P	P	P	A36.42.020
Auto, mobile home, trailer and boat sales		P		CUP	
Bars and drinking places		CUP		CUP	
Building material stores (not including concrete)		P		CUP	
Certified farmer's markets				CUP	
Drive-in and drive-through sales	CUP	CUP		CUP	A36.42.060
Fuel and ice dealers		P		CUP	
Furniture, furnishings, and home equipment stores		CUP		P	
Grocery stores	P	CUP		P	
Liquor stores	CUP			P	
Outdoor merchandise and activities		CUP		CUP	A36.42.120
Outdoor retail sales, temporary	TUP	TUP	TUP	TUP	A36.54
Restaurants serving liquor, with entertainment				CUP	
Restaurants serving liquor, without entertainment	CUP	CUP		P	
Restaurants with or without beer and wine	P	CUP		P	
Restaurants, take-out	P	CUP		P	
Retail stores, general merchandise	P	CUP		P	
Second hand stores		CUP		CUP	
Shopping centers	P			CUP	
Significant Tobacco Retailer				CUP	A36.42.160
Warehouse retail stores		CUP			A36.42.180

SERVICES	CN	CS	CO	CRA	SEE SECTION
Automatic teller machines (ATMs)	P	P	P	P	
Banks and financial services	P		P	P	
Business support services		P		P	
Cemeteries, columbarium's and mortuaries			CUP	P	
Commercial Parking Lots		CUP		CUP	
Contractors equipment: storage, sales, or rental		P			
Drive-in and drive-through services	CUP	CUP	CUP	CUP	A36.42.060
Hotels and motels				CUP	A36.14.030(E)
Plant Nursery		P		CUP	
Massage Establishments	CUP		CUP	CUP	A36.42.110

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COMMERCIAL ZONES AND PERMIT REQUIREMENTS (Continued)

Note: Changes from one permitted use to another require Development Review approval

LAND USE	PERMIT REQUIREMENT BY ZONE				
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SERVICES (Continued)	CN	CS	CO	CRA	SEE SECTION
Medical Services					
• Medical services - < 3,000 sq.ft.	P		P	P	
• Medical services - 3,000 - 20,000 sq.ft.	CUP		P	P	
• Medical services - > 20,000 sq.ft.			CUP	CUP	
• Medical services - hospitals and extended care			CUP	CUP	
Offices (not to exceed .35 FAR)					
• Offices	CUP		P	P	A36.14.030(C)
• Administrative and executive			P	P	
Personal Storage Facilities		P			
Personal services	P			P	
Public safety and utility facilities	CUP	P	CUP	CUP	
Repair and maintenance - consumer products	P	P		P	
Research & Development/Light Testing & Assembly				CUP	36.14.030E
Repair and maintenance - vehicle, major work		P			Chapter 39
Repair and maintenance - vehicle, minor work		P		CUP	Chapter 39
Service stations	CUP	CUP		CUP	A36.42.150
Storage, accessory	P	P	P	P	
Tow yards		CUP			
Veterinary clinics and animal hospitals	CUP	P	P	CUP	A36.42.170
Electrical, plumbing, and carpenter shops		P			
Warehousing		P			

TRANSPORTATION & COMMUNICATIONS	CN	CS	CO	CRA	SEE SECTION
Antennas, communications facilities	CUP	CUP	CUP	CUP	A36.30.020(B)
Pipelines and utility lines	P	P	P	P	
Transit stations and terminals		CUP		CUP	
Vehicle storage		P			

OTHER USES	CN	CS	CO	CRA	SEE SECTION
Other uses not named but similar to listed uses as determined by the Zoning Administrator	CUP	CUP	CUP	CUP	36.02.020(C)

KEY TO PERMIT REQUIREMENTS	SYMBOL	SEE SECTION
Permitted use, zoning compliance and Development Review required	P	A36.52
Conditional use, Conditional Use Permit required	CUP	A36.60
Temporary use, Temporary Use Permit required	TUP	A36.54
Use not allowed		(Blank)

See A36.3 for definitions of land uses.

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A36.14.030 - Commercial Zone General Development Standards

- A. General development standards by zone. New land uses and Structures and alterations to existing uses or Structures shall be designed and constructed in compliance with the following requirements.

COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District			
	CN	CS	CO	CRA
Lot Area	No minimum	No minimum	12,000 sq. ft. min.	<ul style="list-style-type: none"> 20,000 sq.ft for hotels and mixed-use Other uses no minimum
Lot Width	No minimum	No minimum	No minimum	No minimum
Residential Density (maximum)	N.A.	N.A.	N.A.	See A36.14.040(E)2
Floor Area Ratio	No maximum	No maximum	0.35 for offices	<ul style="list-style-type: none"> 0.35 for offices & R&D 1.35 for mixed-use
Front Setback	<ul style="list-style-type: none"> 15 ft. minimum; 10 ft. of landscaping in front of parking. 	<ul style="list-style-type: none"> 10 ft. of landscaping in front of parking. 5 ft. of landscaping between building and sidewalk where no street setback is required. 	<ul style="list-style-type: none"> 25 ft. minimum 10 ft. of landscaping in front of parking. 	<ul style="list-style-type: none"> 10 ft. of landscaping in front of parking; 20 ft. average for parking on lots 200+ ft. deep, or 20,000+ sq. ft. 5 ft of landscaping between building and sidewalk where no street setback is required.
Side Setback (1)	<ul style="list-style-type: none"> 20 ft. minimum abutting other than a commercial zone; 10 ft. minimum on any street side. 10 ft. landscaping and 7 ft. min. sound wall next to residential; None otherwise. 	<ul style="list-style-type: none"> 10 ft. minimum on any street side; 5 ft. landscaping next to parking; 10 ft. landscaping and 7 ft. min. sound wall next to residential. 	<ul style="list-style-type: none"> 10 ft. minimum 10 ft. landscaping and 7 ft. min. sound wall next to residential. 	<ul style="list-style-type: none"> 10 ft. minimum on any street side; Equal to building height, 10 ft. min next to residential; 5 ft. of landscaping next to parking; 10 ft. landscaping and 7 ft. min. sound wall next to residential.
Rear Setback	<ul style="list-style-type: none"> 20 ft. minimum 10 ft. landscaping and 7 ft. min. sound wall next to residential. 	Same as side yard.	10 ft. landscaping and 7 ft. min. sound wall next to residential.	Same as side yard.
Height Limits (1)	35 ft. and 2 stories, maximum	No maximum	35 ft. and 2 stories, maximum	<ul style="list-style-type: none"> 45 ft. and 3 stories max., and per 36.30.020(D)3b (Inclined Planes) except for mixed-use.
Landscaping	See Section A36.32 (Landscaping)			
Parking & Loading	See Section 36.37 (Parking and Loading)			
Signs	See Section A36.38 (Signs)			
Development Review required for new uses	Yes	Yes	Yes	Yes

(1) See Section 36.30.020(D)3 for inclined plane requirements and exceptions to height limits.

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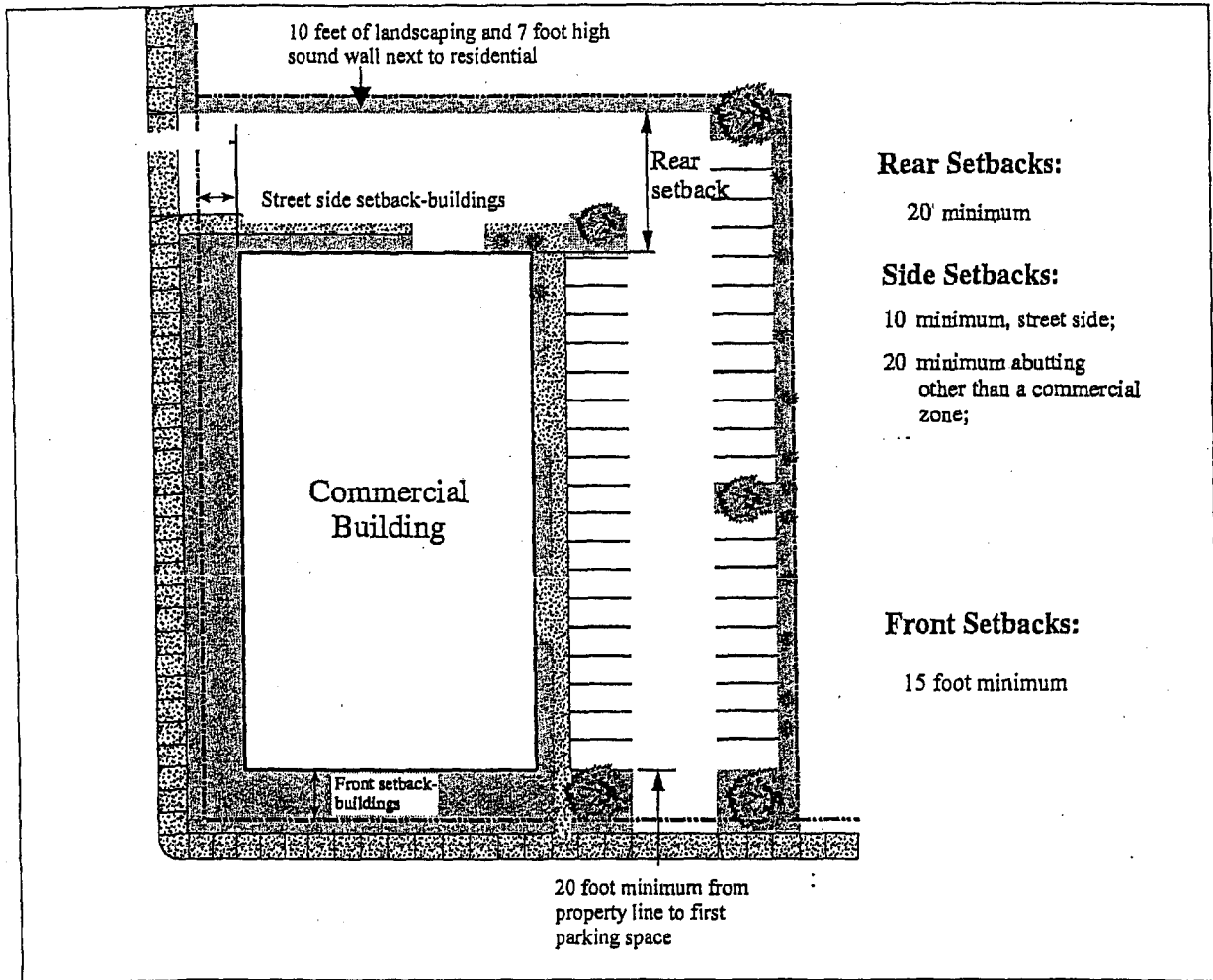


Figure 2-6
CN ZONING DISTRICT SETBACKS
(For Reference Only)

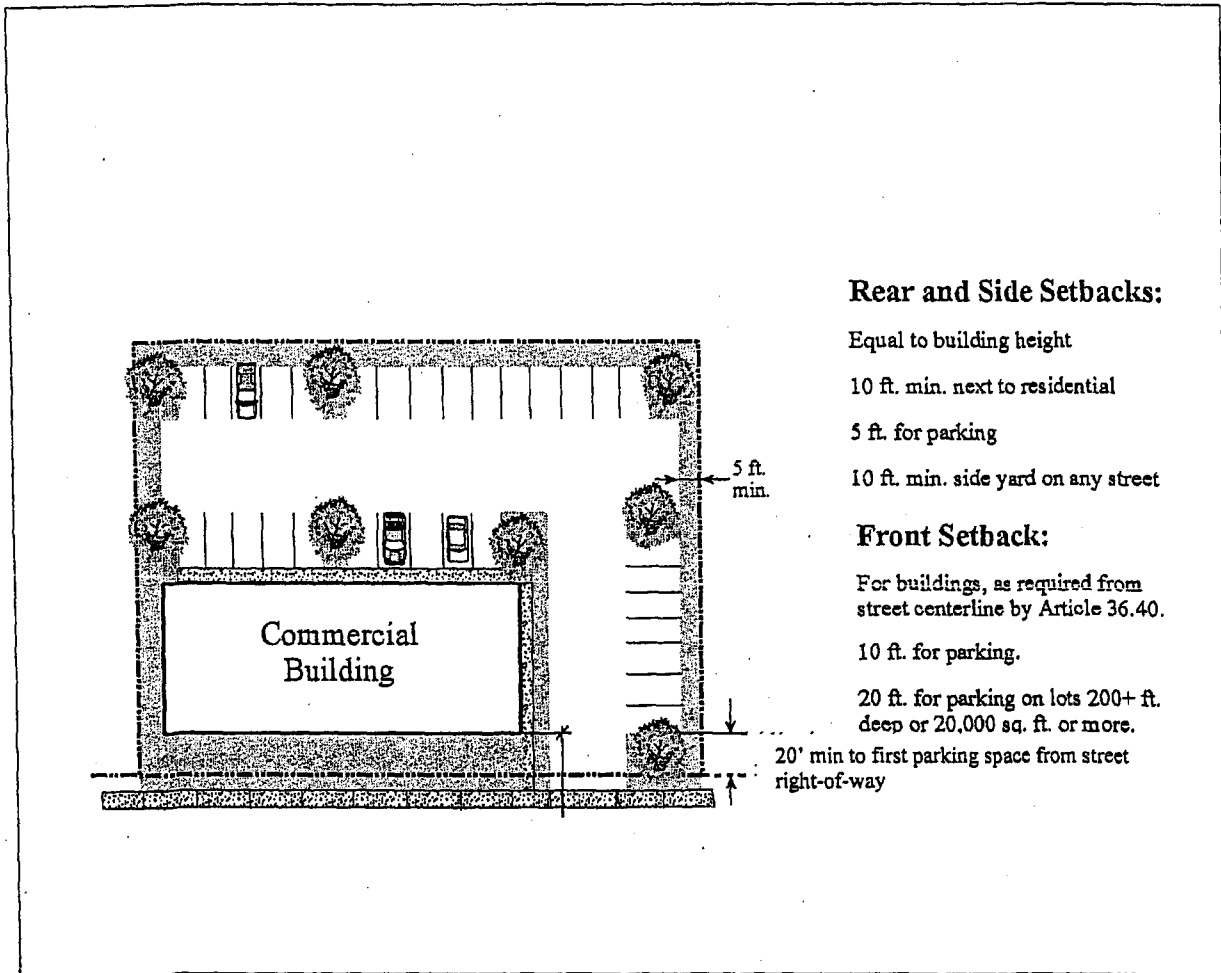


Figure 2-7
CRA ZONING DISTRICT SETBACKS
(For Reference Only)

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B. General Standards for all Commercial Zones

1. **Facility upgrading required.** Any major alteration or expansion (as determined by the Zoning Administrator) that requires Development Review shall incorporate measures to upgrade all existing facilities to extent feasible within lot constraints (structures, parking, landscaping, signs, etc.) to the current standards of this Chapter.
2. **Appearance of Structures.** Where minimum Structure Setbacks are provided, streetscape interest and relief shall be provided through special attention to facade treatment, planters, awnings, and similar features.
3. **Trash Containers.** Trash enclosures shall be provided in all projects and shall be constructed of solid masonry or other suitable building materials, consistent with the building on-site, and shall be a minimum of 6 feet in height, with solid, view obstructing gates and a concrete pad in front to accommodate lifting and dropping of the dumpster. Trash enclosures shall be located in inconspicuous locations.
4. **Late Night Use and Activities.** The following standards apply to businesses abutting (either directly or across the street) residentially zoned properties with ongoing operations or activities between 11 PM and 6 AM.
 - a. Businesses abutting residentially zoned properties that are open or have ongoing activities between the hours of 11 PM and 6 AM shall be operated in a manner to protect residential properties from excessive noise from any sources during those hours.
 - b. Upon substantial evidence that a businesses ongoing operations between the hours of 11 PM and 6 AM are creating excessive noise, the Zoning Administrator shall hold a public hearing in accordance with Section A36.60 (Conditional Use Permit) and may apply conditions of approval necessary to ensure the operation is compatible with the adjoining residentially zoned property. Said use permit shall be limited to operations or activities occurring between 11 PM and 6 AM.
5. **Façade Modifications.** Per Section A36.52.020(B2), Development Review approval is required for exterior modifications to existing structures and site changes (including, but not limited to, new or modified landscaping, fencing, changes to parking lot space striping or circulation). Exterior modifications performed and/or constructed without appropriate approvals shall require the approval through Development Review to approve the alteration or to return the building to its original condition. The Development Review Committee may require additional improvements to make the building conform to acceptable standards for the area or zone district. Exterior modifications include the covering or blocking of window openings by affixing material or paint to the glass area. Glass area shall retain visibility between interior and exterior activities, unless a permit for exterior modification has been approved through this process.

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C. CN Zoning District special standards:

1. **Limitation on use.** No goods may be produced on a premises in the CN Zoning District except those to be sold at retail on the same premises.
2. **Offices.** May be allowed by Conditional Use Permit only where the Zoning Administrator determines that the proposed use is neighborhood serving consistent with the purpose statement in Section A36.14.010(A) and sufficient parking is provided.

D. CS Zoning District special standards

1. **Offices and Research and Development Uses.** Offices and Research and Development Uses as defined in Section A36.3 are prohibited in the CS Zoning District.

E. CRA Zoning District special standards. The following special standards apply to the specified land uses in the CRA Zoning District.

1. **Hotels and motels.** Hotels and motels are allowed only on sites with an area of 20,000 square feet or larger.
2. **Research and Redevelopment Uses.** Limited research and development uses are allowed in the CRA District upon approval of a conditional use permit. The intent is to allow small scale businesses that are office-like (such as software and internet companies) and are compatible with the commercial, office and residential uses commonly found in the area; that do not involve manufacturing or the use of hazardous materials (except those normally associated with office buildings such as cleaning materials); and are located in buildings developed (or redeveloped) for office uses and not in individual tenant spaces in multi-center retail centers.

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3. **Residential and Mixed Use Projects.** New residential and mixed use developments shall be designed and constructed in compliance with the following requirements.

Development Standards for Residential and Mixed Use

Development Feature	Requirement	
Lot Area	20,000 square foot minimum	
Lot Width	None	
Density	43 units per acre maximum	
Floor Area Ratio	1.35 maximum for office, retail and housing (office portion shall not to exceed .35 FAR)	
Setbacks	Front	5' behind sidewalk minimum
	Rear	15' minimum but not less than the height of the adjacent wall (measured to top of wall plate)
	Sides	15'
	Between Principal Structures	One-half the sum of nearest opposing walls (measured to top of wall plate)
Site Coverage	None	
Pavement Coverage for Area Dedicated to Auto	25% of site; Zoning Administrator may approve higher percentage in proportion to commercial in mixed use development	
Height Limits	45' to ridge (35' to top of wall plate) except that buildings with commercial space may be 50' to ridge; lower height may be required for portions of buildings adjacent to existing residential.	
Open Area	45% including 40 square feet of private open area per unit; Zoning Administrator may approve reduced open area in proportion to commercial space in mixed used development	
Personal Storage	80 square feet of enclosed and secured storage area for bulky personal effects (such as recreational equipment) for each unit; typically in garage area	
Parking	See Section 36.37 (Parking and Loading)	
Signs for Commercial Uses in Mixed Use Development	See Section A36.38.060.C (Signs). The Zoning Administrator may modify the sign regulations as appropriate for a development that includes residential uses.	